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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,659	09/10/2003	Nathaniel Christopher Herwig	11388.00	3696
26884	7590	07/28/2004	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-4 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001				LABAZE, EDWYN
		ART UNIT		PAPER NUMBER
		2876		

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/659,659	HERWIG ET AL.	
	Examiner EDWYN LABAZE	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 September 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \*    c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_ .

## **DETAILED ACTION**

1. Claims 1-8 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Gatto et al. (U.S. 6,710,895).

Re claim 1: Gatto et al. discloses compact configurable scanning computer terminal, which includes a printer 19 (col.5, lines 65+), including a housing 10 (col.5, lines 64+); a bar code reader 15 in the housing 10 (col.6, lines 1+); and control circuitry [herein disclosed as control electronics 100 as shown in fig. # 13] in housing for facilitating communication of data

between the printer and computer and between the bar code reader 15 and the computer over single cable (col.6, lines 16+; col.9, lines 65+).

Re claim 2: Gatto et al. teaches an apparatus, wherein the bar code reader 15 comprises an imaging scanner (col.8, lines 15+).

Re claim 3: Gatto et al. discloses an apparatus, wherein imaging scanner comprises a charge coupled device scanner (col.10, lines 18+).

Re claim 4: Gatto et al. teaches an apparatus, wherein the bar code reader comprises a presentation [also known as a hand-free scanner 15, whereby the operator passes objects and associated bar code symbols though the scanning field of the device in order to automatically read the bar code symbols therein and automatically transmit corresponding bar code symbol character strings to the host system] scanner (as shown in fig. # 1).

Re claim 5: Gatto et al. discloses an apparatus, wherein the bar code reader 15 located position in the housing/casing 10 [as shown in figs. # 1, 2, 10-12, each section could be attached or separated from one another] that does not interfere with operation of the printer 19 (col.2, lines 30-52).

Re claim 6: Gatto et al. teaches an apparatus, wherein the control circuitry comprises a universal serial bus hub (col.10, lines 35+).

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto et al. (U.S. 6,710,895) in view of Shu (U.S. 6,058,441).

The teachings of Gatto et al. have been discussed above. Gatto et al. does teach the use of USB ports, a CPU 150 (as shown in fig. # 13).

Gatto fails to elaborate on a universal serial bus printer, a universal serial bus charge coupled device scanner, and a universal serial bus hub for facilitating communication among the printer, computer, and bar code reader over a single cable.

Shu discloses USB multi-function connecting device, which includes a universal serial bus printer, a universal serial bus charge coupled device scanner, and a universal serial bus hub for facilitating communication among the printer, computer, and bar code reader over a single cable (as shown in fig. # 6; col.1, lines 55+).

In view of Shu's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Gatto et al. a universal serial bus printer, a universal serial bus charge coupled device scanner, and a universal serial bus hub for facilitating communication among the printer, computer, and bar code reader over a single cable. Furthermore, such modification would provide means of freely interchanging the peripheral devices through the bus topology and controlling circuit of a pair of data upstream and downstream ports. Moreover, such modification would have been an obvious extension as taught by Gatto et al., therefore an obvious expedient.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Yasui et al. (U.S. 5,938,354) discloses image-forming apparatus.

Chung (U.S. 6,415,337) discloses plug-and-play interface circuit with visual display.

Prenn (U.S. 6,598,795) teaches use of bar code to specify media type in an imaging device.

Yamamoto et al. (JP 2003118085 A) discloses printer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
July 15, 2004



THIEN M. LE  
PRIMARY EXAMINER